

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 1 - 36, 39 - 44 and 46 - 70 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 1 - 4, 10, and 42 have been amended and new claims 71 and 72 have been added to the application.

In the office action mailed June 19, 2007, claims 1 - 41 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite; claims 1, 3 - 9, 14, 15, 19, 20, 22 - 27, 42, 43, 46 - 49, and 53 - 58 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,636,038 to Lynt et al.; claims 2, 13, 16 - 18, 21, 28 - 32, 35 - 36, 44, 52, 59 - 64, and 67 - 70 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lynt et al. in view of U.S. Patent No. 3,831,296 to Hagle; claims 10 - 12, 39 - 41, 50, and 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lynt et al. in view of U.S. Patent No. 6,240,392 to Butnaru et al.; and claims 33, 34, 65, and 66 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lynt et al. in view of U.S. Patent Publication No. 2004/0098256 to Nissen.

The foregoing rejections are traversed by the instant response.

With regard to the rejection under 35 U.S.C. 112, second paragraph, the rejection of claim 1 on indefiniteness grounds is not well founded. MPEP 2171 points out that there are two separate requirements set forth in the second paragraph of section 112. They are that the claims (a) must set forth the subject matter which Applicant claims as his invention, and (b) must particularly point out and distinctly define the metes and

bounds of the subject matter that will be protected by the patent grant. With regard to the former requirement, there is no question that Applicant has set forth the subject matter which he claims as his invention. A rejection would only be proper where Applicant has stated somewhere other than in the application as filed that the invention is something different from what is defined by claims 13 and 21. Applicant has made no such statement and the Examiner has not pointed to any such statement. Thus, Applicant has satisfied the first requirement of section 112, second paragraph.

With regard to the second requirement, the issue is whether the scope of the claim is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art. A rejection on this basis would only be appropriate where the scope of the invention sought to patented cannot be determined from the language of the claim with a reasonable degree of certainty. See MPEP 2173.02. It is submitted that Applicant has complied with this requirement. The Examiner in making this rejection only says that the step of providing information about said visual images to said handicap person is vague and indefinite. Applicant submits that is not true. The language of claim 1 is clear and readily understood by one of ordinary skill in the art reading the claims in light of the specification. The fact that Applicant does not state in the claim how the information of the visual images is collected does not render the claim indefinite. The second paragraph of section 112 does not require that Applicant provide all the details set forth in the detailed description in claim 1. Applicant submits that the notice requirements of the patent statutes are met by the claim language.

Still further, Applicant has defined in claim 1 what he considers the invention to be - namely, the method of

communicating the visual images to the handicapped person. Section 112, second paragraph, requires nothing more. For these reasons, the rejection of claims 1 - 41 on these grounds should be withdrawn.

Regarding claims 35 - 38 and the comments about same, it would seem that the Examiner has not fully read the amendments previously submitted. It appears as if the Examiner just repeated the previous indefiniteness rejection without even recognizing that claims 37 and 38 have been cancelled. Further, as noted in the previous amendment, claims 35 and 36 have been amended to remove the "aggression group," "neutral group," and "pleasant group" language. Thus, the Examiner's statement that it is unclear how the data from such groups are being analyzed or interpreted from the source in order to provide it to the handicapped person has no basis in either claim 35 or claim 36.

It is noted that the Examiner has not responded in the latest office action to the above arguments, which are substantively identical to those presented in Applicant's previous response. If the Examiner can not explain a basis for the indefiniteness rejection which satisfies MPEP 2171, then maybe it is time for this rejection to be withdrawn.

With respect to the rejection of claims 1, 3 - 9, 14, 15, 19, 20, 22 - 27, 42, 43, 46 - 49, and 53 - 58 on anticipation grounds over Lynt et al., this rejection should be withdrawn for the following reasons. It is well settled law that an anticipatory reference must describe the subject matter of the claim with sufficient clarity and detail to establish that the claimed subject matter existed in the prior art and that such existence would be recognized by persons of ordinary skill in the field of the invention. See *In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1991); also see *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 678, 7 USPQ2d 1315,

1317 (Fed. Cir. 1988). As will be seen from the following discussion, the Lynt patent relied upon by the Examiner does meet this test and therefore is not an anticipatory reference.

Claim 1 is directed to a method for communicating visual images to a handicapped person, which method comprises the steps of providing at least one device for physically transmitting information to said handicapped person; and providing information about the visual images to the handicapped person. The information providing step comprises delivering a physical signal representative of a key word describing a portion of a visual image to to a first part of a body of said handicapped person using said at least one device. Still further, the information providing step comprises transmitting at least one physical input describing a dynamic element associated with the key word to a second part of the body of the handicapped person. Lynt et al. does not disclose the step of delivering a physical signal representative of a key word which describes a portion of a visual image to a first part of a body of the handicapped person and transmitting at least one physical input describing a dynamic element associated with the key word to a second part of the body of the handicapped person. In Lynt et al., information about the visual information is delivered to the handicapped person in the form of a representation of the view of the imaging means. Lynt et al. gives an example of what is done. They say that if the visual image was an apple, the tactile display means could form a 3-dimensional tactile image of the surface of the apple. See column 3, line 57 to column 4, line 1. In other words, Lynt et al. does not communicate information about the image in the form of a key word. The Lynt et al. system may be modified to output Braille characters, or another representation, corresponding to detected speech; however, there is no disclosure of delivering a physical signal to a user which

is representative of a key word which describes a portion of a visual image. Still further, Lynt et al. does not disclose transmitting at least one physical input describing a dynamic element associated with said key word to a second part of the body of the handicapped person. The only thing that is disclosed in Lynt is that the images are being felt by the user. It is clear from a reading of Lynt et al. that Lynt et al. were not in possession of the claimed invention as set forth in claim 1.

Claims 3 - 9, 14, 15, 19, 20, and 22 - 27, these claims are allowable over Lynt et al. for the same reasons as claim 1 as well as on their own accord. Lynt et al. does not disclose (1) delivering the key word conveying the visual information to the handicapped person in the form of Braille (claim 3); (2) transmitting at least one physical input describing a dynamic element associated with the key word to a palm of the handicapped person (claim 4); (3) transmitting a plurality of successive elements describing a motion to the palm of the handicapped person (claim 5); (4) transmitting a continuance signal (claims 6 and 7); (5) delivering information about a musical background associated with the visual image (claims 8 and 9); (6) transmitting information about the visual images to the back of at least one finger (claim 14); (7) transmitting information about the character of a person displayed in the visual images (claim 15); (8) transmitting information about a particular group (claim 20); (9) transmitting information about lighting to the front portion of the at least one finger (claim 22); (10) transmitting information about scenery to the front portion of the at least one finger (claim 23); (11) transmitting information about a place to the front portion of the at least one finger (claim 24); (12) transmitting information about an activity to said front portion of said at least one finger

(claim 25); and (13) transmitting information about a dialogue associated with the visual image (claims 26 and 27).

With regard to the Examiner's comments in the second and third full paragraphs on page 4 of the office action, Lynt et al. never specifically says in column 3, lines 36 - 66 or in column 5, lines 15 - 34 that a dynamic element is described or that motion is described in the palm or that a continuance signal is transmitted. Lynt et al. only says that an image of the article is transmitted to the palm.. Most certainly, Lynt et al. never discloses transmitting a dynamic element which is related to the key word. In other words, Lynt et al. does not disclose the specifics of claims 4 - 7.

With respect to the Examiner's comments in the fourth paragraph on page 4 of the office action, Lynt et al. never says that information about the musical background associated with the visual images is transmitted to the handicapped person. As for the inherency argument advanced by the Examiner, the Examiner has not established same. The Examiner is required to do more than put forth a conclusory statement. The Examiner needs to show that the claim limitation is necessarily present and would be so recognized by those of skill in the art. Inherency may not be established by possibilities or probabilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. See *In re Oelrich*, 666 F.2d 578, 581, 212 USPQ 323 (CCPA 1981). It is noticed that the Examiner has not supplied any extrinsic evidence to show that the claimed subject matter is necessarily present. While auditory information may be delivered by Lynt et al.'s system, it is not described as being music. In fact, Applicant can not find the word "music" anywhere in the Lynt et al. patent. Still further, there is nothing that says that such information if transmitted is associated with the visual images.

With regard to the Examiner's comments in the first full paragraph on page 5 of the office action, once again, the Examiner has not established inherency. For example, the Examiner has not explained why it is absolutely clear that the claimed information is being transmitted to the claimed finger portions. In this regard, it should be noted that Lynt et al. talks about transmitting signals to a palm, not the fingers. Column 2, lines 1 - 6 merely discusses how a tactile image may be formed. Column 3, lines 62 - 66 merely says that the tactile display means may be placed on a surface of an individual's body. There is no disclosure of where specifically the tactile display means is placed. Column 5, lines 19 - 20 says that the tactile display could be a two-dimensional grid in the shape of a hand or finger tip. This portion talks about the tactile display, not the portions of the body to which information is being transmitted.

With regard to the Examiner's comments in the second full paragraph on page 5 of the office action, Lynt et al. never says that information about a particular group is transmitted to the handicapped person. It is improper for the Examiner to try and interpret Lynt et al. to meet the claimed subject matter. An anticipation may not be based on speculation, conjecture, or surmise.

With regard to the Examiner's comments in the third full paragraph on page 5 of the office action, there is no disclosure in Lynt et al. of transmitting information about lighting to at least one finger. Lynt et al. disclose transmitting information to the palm.

With regard to the Examiner's comments in the fourth full paragraph on page 5, once again there is no disclosure in Lynt et al. of transmitting the signals to the claimed finger portion.

With regard to the Examiner's comments in the fifth full paragraph on page 5 of the office action, there is no disclosure in Lynt et al. of transmitting information about a dialogue associated with the visual image as set forth in claim 26 or transmitting that information in the form of Braille to the fingertips of at least one hand or by impacts describing topics as set forth in claim 27.

The main problem with Lynt et al. as an anticipatory reference is that it lacks the specifics set forth in the aforementioned claims.

With respect to the Examiner's comments in the paragraph bridging pages 12 and 13 of the office action, while Lynt et al. may provide information about a visual image to a handicapped person, there is no disclosure of providing that information in the form of a key word. The portion of column 6 being relied upon by the Examiner merely talks about various ways of providing information, i.e. movement of mechanical rods, heat or vibrations; synthesized voice output; a hand held text to Braille reader; and a speech analysis operation which could cause output Braille characters. There is no absolutely no disclosure in column 6, lines 7 - 26 that any output is a signal representative of a key word which describes the visual image. As for column 2, lines 29 - 44, this section refers to speech analysis means and that the tactile images are representations of the spoken words. This has nothing to do with what is being claimed by Applicant. Again, anticipation can not be found on possibilities or even probabilities. The law of anticipation requires an express disclosure of the claimed subject matter where the Examiner has not made out a case of inherency. The Examiner has failed to sustain his burden of establishing a case of inherency and has failed to establish any express disclosure

of the subject matter of claims 1, 3 - 9, 14, 15, 19, 20, 22 - 27, 42, 43, 46 - 49, and 53 - 58.

With respect to claim 42, it is allowable for the same reasons as claim 1. The Lynt et al. device lacks any means for delivering a signal representative of a key word associated with the visual images to the handicapped person. Lynt et al., while being directed to a similar device, delivers information about the visual object in the form of 3-dimensional tactile images and not in the form of a word. When Lynt et al. delivers information in the form of Braille, it is delivering information about spoken speech. It is not delivering information about visual images in the form of a key word. Further, as previously discussed, Lynt et al. does not disclose any means for delivering at least one physical input describing a dynamic element associated with the key word to the palm of a user.

Claims 43, 46 - 49, and 53 - 58 are allowable for the same reasons as claim 42 as well as on their own accord. Claims 46 - 49 and 53 - 58 are allowable for the reasons previously set forth in connection with their method counterparts.

The rejections on obviousness grounds are duly noted; however, they are moot in view of the aforementioned deficiencies of Lynt. The secondary references to Hagle, Butnaru et al., and Nissen do not cure the aforementioned deficiencies of Lynt et al. Thus, claims 2, 10 - 13, 16 - 18, 21, 28 - 36, 39 - 41, 44, 50 - 52, and 59 - 70 are allowable for the same reasons as their parent claims.

With respect to the Hagle patent, Hagle is using a typewrite for typing text and allowing a deafblind person to know what letters were typed because the deafblind person wears gloves that impart the knowledge of each typewriter stroke. However, this is far from the invention which is being claimed in the instant application. Haggle is merely allowing the

deafblind to read the typed material. It lacks the ability to concisely and economically provide for a dynamic imagery that excites different centers in the person's brain and therefore is not relevant to the present invention. Haggles does portray stimulators on fingers that in Hagle's words "provide a pattern which corresponds to that of a typewriter keyboard." In other words, haggles is mapping the keyboard on the fingers and there is no conceptual meaning attributed. It would not have been obvious to one skilled in the art to take such typewriter mapping and create from it a comprehensive language capable of economic dynamic articulation of an event.

Hagle functionally types the word onto the fingers of the deafblind person where each touched point on the fingers represents a one-to-one correspondence to the typewriter keyboard. There is no Morse code involved. Should Lynt et al. as modified by Hagle be utilized, there will be no room on the fingers for utilizing the fingers in their conceptual meaning. In other words, the Hagle teachings actually prevent one from arriving at the claimed invention. As a result, one of ordinary skill in the art would not make the proposed combination of references.

New claims 71 and 72 are allowable for the same reasons as their parent claims as well as on their own accord. None of the cited references teaches delivering the signals to the different body parts which are claimed in claims 71 and 72.

The instant application is believed to be allowable for the foregoing reasons. Such allowance is respectfully solicited.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, the Examiner is hereby invited to contact Applicant's attorney at the telephone number listed below.

Enclosed is a check in the amount of \$50.00 to cover the cost of the extra dependent claims.

Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

Raanan Liebermann

By 

Barry L. Kelmachter

BACHMAN & LaPOINTE, P.C.

Reg. No. 29,999

Attorney for Applicants

Telephone: (203)777-6628

Telefax: (203)865-0297

Email: docket@bachlap.com

Date: April 25, 2008

I, Nancy Reid, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
"Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on **April 25, 2008**.

